

Attorney Docket No.: 02CON382P-CIP
Application Serial No.: 10/655,698

REMARKS

In the *Non-Final* Office Action of March 6, 2008, the Examiner has rejected claims 1, 3-6, 8, 10-13, 15 and 17-20, and objected to claims 2, 7, 9, 14, 16 and 21. Applicant acknowledges and appreciates the Examiner's statement regarding allowability of claims 2, 7, 9, 14, 16 and 21 if rewritten in independent forms. By the present amendment, applicant has amended claims 1-3, 6, 8-10, 13, 15-17 and 20. After the present amendment, claims 1-21 remain pending in the present application. Reconsideration and allowance of outstanding claims 1-21 in view of the above amendments and following remarks are requested.

A. **Rejection of Claims 1, 8 and 15 under 35 USC § 103(a)**

The Examiner has rejected claims 1, 8 and 15, under 35 USC § 103(a), as being unpatentable over Veltman (USPN 5,481,543) ("Veltman") in view of Acer (USPN 6,151,359) ("Acer").

The Examiner states that the newly cited reference, Acer, discloses "constraining, by said encoder, an initial arrival time of said picture into said pre-decoder buffer," and "transmitting, by said encoder, said picture to said pre-decoder buffer in compliance with said initial arrival time." Applicant respectfully disagrees; however, in order to expedite the prosecution of the present application, applicant has amended independent claims 1, 8 and 15 to clarify that the constraining of the initial arrival time by the encoder is such that the initial arrival time is "no earlier than a difference between an encoder processing time of said picture and an encoder processing time of a previous picture."

Applicant respectfully submits that the present amendment is well supported by the

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original application, where it is disclosed that:

The leaky bucket described in the present application can be termed a *constrained arrival time* leaky bucket (CAT-LB), because the arrival times of all pictures after the first are constrained to arrive at the buffer input no earlier than the difference in hypothetical encoder processing times between that picture and the first picture. For example, if a second picture is encoded exactly seven (7) seconds after the first picture was encoded, then the second picture's bits are guaranteed not to start arriving in the buffer prior to seven (7) seconds after the bits of the first picture started arriving. It should be noted that this encoding time difference is sent in the bitstream as the picture removal delay. (Page 15, lines 15-23.)

With reference to Acer, applicant respectfully submits that Acer does not guarantee that the initial arrival time of a picture in the pre-decoder buffer is "no earlier than a difference between an encoder processing time of said picture and an encoder processing time of a previous picture." To this end, at col. 2, lines 27-44, Acer discloses that:

Referring again to FIG. 1, in the exemplary embodiment, the encoder buffer 14 and the decoder buffer 18 act as a virtual buffer 22. The encoder buffer 14 is associated with an encoder buffer delay D_E , and the decoder buffer 18 is associated with a decoder buffer delay D_D . Each of the delays D_E , D_D , represents the time required for data to be processed and/or passed through the encoder buffer 14 and the decoder buffer 18, respectively. In the exemplary embodiment, the nominal delay through the transmission channel 16 is considered to be a constant.

The total buffer delay D_B must be constant for proper operation of the decoder 20. With a constant instantaneous total buffer delay D_B , the encoder 12 may then provide variable rate encoding of the input data with an "elastic" encoder buffer 14 and decoder buffer 18, such that the decoder buffer delay D_D depends on the encoder buffer delay D_E with $D_B = D_E + D_D$. Therefore, $D_D = D_B - D_E$.

Therefore, as described in Acer, D_E merely represents the time required for data to be processed and/or passed through the encoder buffer 14. However, Acer does not disclose, teach or suggest that D_E is in any way constrained to ensure that the initial arrival time of a picture in the pre-decoder buffer is "no earlier than a difference between an encoder processing time of

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said picture and an encoder processing time of a previous picture."

Accordingly, applicant respectfully submits that independent claims 1, 8 and 15 are patentably distinguishable over Veltman in view of Acer.

B. Rejection of Claims 3-6, 10-13 and 17-20 under 35 USC § 103(a)

The Examiner has rejected claims 1, 8 and 15, under 35 USC § 103(a), as being unpatentable over Veltman in view of Acer, and further in view of Legall (USPN 5,929,916) ("Legall").

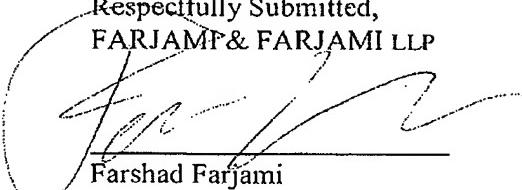
Applicant respectfully submits that claims 3-6, 10-13 and 17-20 depend from claims 1, 8 and 15, respectively, and should also be allowed for the same reasons stated above in conjunction with patentability of claims 1, 8 and 15.

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C. Conclusion

For all the foregoing reasons, an early Notice of Allowance directed to claims 1-21 is respectfully requested.

Respectfully Submitted,
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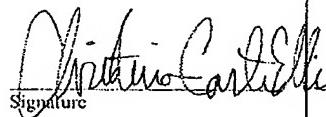
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